

JAN 21 2009

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

ROBERT JASON MARTIN, )  
Plaintiff, ) Civil Action No. 7:08-cv-00573  
 )  
v. )  
 )  
RANDY MATHENA, )  
Defendant. ) FINAL ORDER  
 )  
 ) By: Hon. James C. Turk  
 ) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

that plaintiff's motion to amend is **GRANTED**; the plaintiff's amended complaint is **DISMISSED**, pursuant to 28 U.S.C. 1915A(b)(1); and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff.

ENTER: This 21st day of January, 2009.

*James C. Turk*  
\_\_\_\_\_  
Senior United States District Judge